

REMARKS/ARGUMENTS

I. Status of the Claims

Claims 2-9 and 13 have been canceled. Claims 1 and 10-12, 14 and 15 remain pending. Claims 1 and 10-12 have been amended to further define the sensory regimen recited by the claims. Support can be found in the specification at least in Example 3. Accordingly, no new matter is introduced by this amendment.

II. Claim Objections

The Examiner has objected to claims 10 and 11 for improper dependency. Applicants have amended both claims so that they now depend on claim 1. Accordingly, Applicants request that the objection be withdrawn.

III. Claim Rejections – 35 U.S.C. § 102(b)

In the Office Action, the Examiner rejected claims 1 and 10-15 as allegedly anticipated by U.S. Patent No. 5,304,112 (“Mrklas et al.”). Applicants respectfully traverse this rejection.

Mrklas et al. discloses an integrated stress reduction system which detects the stress level of a subject and displays a light pattern reflecting the relationship between the subject's stress level and a target level. At the same time, the system provides relaxing visual, sound, tactile, environmental, and other effects to aid the subject in reducing his or her stress level to the target level. See Abstract. There is no teaching or suggestion by Mrklas et al. of a specific stress reducing regimen other than the vague suggestion to provide relaxing visual, sound, tactile, environmental effects.

In contrast, as amended, Applicants claimed invention relates to an unambiguous method for reducing the number and severity of acne lesions on the skin of a mammal by downregulating the activity of the HPA axis of the mammal. The method comprises the daily administration of a sensory regimen for at least two weeks. The sensory regimen comprises subjecting the mammal to a combination of an olfactory stimuli and an auditory stimuli for four periods: the first period for about ten minutes, at about thirty minutes after morning waking of said mammal; the second period for about ten minutes, at about four hours after morning waking of said mammal; the third period for about ten minutes, at about eight hours

after morning waking of said mammal; and the fourth period for about fifteen minutes, at about twelve hours after morning waking of said mammal. Such a specific regimen is neither taught nor suggested by Mrklas et al.

Further, there is nothing in the teachings of Mrklas et al. that would suggest to one of ordinary skill in the art that a sensory regimen could be used single-handedly to reduce the number and severity of acne lesions on the skin of a mammal. As discussed previously, Applicants have demonstrated in Example 3, Tables 6-9, that the sensory regimen by itself showed reductions in the number of lesions as well as broad emotional and well-being benefits.

The Examiner takes the position that specific claim limitations would be inherent in the system of Mrklas et al. because “the claimed invention is directed towards the same type of system.” As discussed above, Mrklas et al. does not teach or suggest the specific regimen recited by the present claims. As the Examiner is well aware, “to establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.” Further, “the mere fact that a certain thing may result from a given set of circumstances is not sufficient.” See M.P.E.P. § 2163.07(a). Here, Applicants claimed method for reducing the number and severity of acne lesions comprising the daily administration of a specific four period sensory regimen for at least two weeks, is clearly not necessarily present in the Mrklas et al. system and therefore could not possibly be so recognized by a person of ordinary skill. Accordingly, Applicants respectfully submit that Mrklas et al. fails to anticipate Applicants claimed invention and the rejection should be withdrawn.

IV. Conclusion

Applicants believe that the foregoing presents a full and complete response to the outstanding Office Action. An early and favorable response to this Amendment is earnestly solicited. If the Examiner feels that a discussion with Applicants' representative would be helpful in resolving the outstanding issues, the Examiner is invited to contact Applicants' representative at the number provided below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/JBP0571USCIP1/WKW. If a fee is required for an Extension of time 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account No. 10-0750/JBP0571USCIP1/WKW.

Respectfully submitted,

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